THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17826 of 1995

Dated:23.1.2007

Between
1.TTD Annadanam Canteen Workers Association
rep., by its President, Kotta Bhaskar and
another

.....Petitioner

and

1. The Executive Officer, Tirumala
Tirupati Devasthanam, Tirupati
Chittoor District and others.

…Respondents

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ORDER:

This writ petition is filed by Kotta Bhaskar in the representative capacity of President, Tiruma Tirupati Devasthanam Annadanam Canteen Workers Association, seeking a Mandamus to declare the action of the respondents in resorting to direct recruitment of Cleaners without absorbing the existing 45 volunteers, as arbitrary and illegal and consequently to direct the respondents to absorb the 45 volunteers working in Sri Venkateswara Nitya Annadanam Scheme.

It is the case of the petitioner-association that as many as 300 volunteers

were appointed to cater the needs of Sri Venkateswara Nitya Annadanam Scheme. 45 members of the association were appointed as volunteers w.e.f. 1.6.1992 in the time scale of Rs.740-1150/- which is equivalent to that of Helpers/Cleaners. Thereafter, though the services other Helpers/Cleaners were regularized as per G.O.Ms.No.212, Finance and Planning Department, dated 22.4.1994, the services of 45 members of the association were not regularized. It is their case that they are entitled for regularization of their services on par with other Cleaners/Helpers who worked on NMR basis.

A detailed counter-affidavit has been filed by he 1st respondent, denying the allegations made by the petitioner-association. It is asserted that the Government has considered the proposals of the Tirumala Tirupati Devasthanam (for short 'TTD') and issued G.O.Rt.No.690, Revenue (Endowments-III) Department, dated 29.3.2001. In the said GO, the Government observed that none of the petitioners shown in the annexure to the GO have five years of continuous service as on 25.11.1993 and also were not appointed against sanctioned posts, which are the prime conditions in G.O.Ms.No.212, Finance, dated 22.4.1994 and hence the persons shown in the Annexure to the G.O are not eligible for regularization of their services in terms of G.O.Ms.No.212, dated 22.4.1994. As such, the Government rejected the proposals of the T.T.D for regularization of the services of the persons working on NMR/Casual Labour/ Consolidated pay/Vounteer/Unit basis insofar as the members of the petitioner' association are concerned.

Leaned counsel for the petitioner contended that in view of several judgments of this Court and also the Judgments of the Apex Court, the restriction as to completion of five years of service as on 25.11.1993 for the purpose of regularization is no more valid.

Be that as it may, no affected individual is before this Court and their individual details as to whether their services were regularized or not, are not available. Therefore, no relief as such can be granted in a writ petition like this.

Under those circumstances, I deem it appropriate to dispose of the writ petition with liberty to the individual members of the petitioner-association to approach the respondents and file appropriate representation seeking regularization of their services under G.O.Ms.No.212 or under any other scheme evolved by the TTD, if their services are not regularized as of now. On filing such a representation,

the TTD shall consider the same and pass appropriate orders, in accordance with law. No costs.

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23-01-2007

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